

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, DECEMBER 22, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

MCROY Having been appointed to read the minutes of the City Council proceedings of December 15, 2003, reported having done so, found same correct.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**PUBLIC HEARING**

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$35,000,000 - Steve Hubka, Budget Officer, requested the public hearing be continued to 1/5/04 due to a scheduled pre-council meeting on that date.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT AND LINCOLN MEDICAL EDUCATION FOUNDATION TO PROVIDE MEDICAL CONSULTATION SERVICES AND DEPARTMENT CLINICAL MEDICAL SERVICE FOR A THREE-YEAR TERM - Bruce Dart, Director of Health Department, came forward to comment that this is a standard on-going contract with the Lincoln Medical Education Foundation.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

Mike Morosin, 2055 S St., stated that in a perfect world law would be objective, justice absolute, and truth unshakeable. In Lincoln truth is political, justice is emotional, and truth, where does truth lie? To take away the public's distrust the Council should stand by their ethics.

This matter was taken under advisement.

**\*\* END OF PUBLIC HEARING \*\***

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS - NONE**

**ORDINANCES - 2ND READING**

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$35,000,000 - PRIOR to reading:

FRIENDT Moved to continue public hearing to 1/5/04.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**RESOLUTIONS**

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APPROVING AN AGREEMENT BETWEEN THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT AND LINCOLN MEDICAL EDUCATION FOUNDATION TO PROVIDE MEDICAL CONSULTATION SERVICES AND DEPARTMENT CLINICAL MEDICAL SERVICE FOR A THREE-YEAR TERM - PRIOR to reading:

FRIENDT Moved to continue public hearing & have action on 1/5/03.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**PETITIONS & COMMUNICATIONS**

LINCOLN HOUSING AUTHORITY 2003 ANNUAL REPORT - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON DECEMBER 15, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF DECEMBER 8 THRU DECEMBER 19, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82519 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments of confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT OF CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS NOVEMBER 30, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

**ORDINANCES - 1<sup>ST</sup> READING - NONE**

**ORDINANCES - 3<sup>RD</sup> READING**

DECLARING APPROXIMATELY 5 ACRES OF PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BOULEVARD, AS SURPLUS (In connection w/03-182) - PRIOR to reading:

COOK Moved to delay action to 1/5/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Terry Werner, declaring approximately five acres of City-owned property generally located adjacent to the Highlands Golf Course at N.W. 12<sup>th</sup> Street, north of W. Highlands Boulevard as surplus and authorizing the sale thereof, the third time

CHANGE OF ZONE 3425 - APPLICATION OF THE DIRECTOR OF PARKS AND RECREATION FOR A CHANGE OF ZONE FROM P PUBLIC USE TO O-3 OFFICE PARK, ON PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BOULEVARD (In connection 2/03-181)- PRIOR to reading:

COOK Moved to delay action to 1/5/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CHANGE OF ZONE 3427 - AMENDING SECTION 27.69.090 OF THE LINCOLN MUNICIPAL CODE TO ALLOW COMMUNITY PLAYHOUSES AS AN ADDITIONAL USE PERMITTED FOR THE SAME SIGN PACKAGE AS SCHOOLS AND CHURCHES - PRIOR to reading:

COOK Moved to delay action to 1/5/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Terry Werner, amending Section  
27.69.090 of the Lincoln Municipal Code to allow community playhouses as  
an additional use permitted for the same sign package as schools and  
churches; and repealing Section 27.69.090 of the Lincoln Municipal Code  
as hitherto existing, the third time.

CHANGE OF ZONE 3426 - APPLICATION OF LAMBERT INVESTMENTS #2 FOR A CHANGE OF  
ZONE FROM H-1 INTERSTATE COMMERCIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL  
DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH AND W. BOND STREETS  
- PRIOR to reading:

COOK Moved to delay action to 1/5/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced Terry Werner, amending the Lincoln  
Zoning District Maps attached to and made a part of Title 27 of the  
Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln  
Municipal Code, by changing the boundaries of the districts established  
and shown thereon, the third time.

**RESOLUTIONS & ORDINANCE VETOED BY THE MAYOR FOR COUNCIL CONSIDERATION**

SPECIAL PERMIT 2002 - APP. OF QUIN-C, INC. FOR AUTHORITY TO SELL ALCOHOLIC  
BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED  
AT 4801 RANDOLPH ST.:

FRIENDT Moved to override the Mayor's veto.  
Seconded by McRoy & carried by the following vote: AYES: Camp,  
Friendt, McRoy, Svoboda, Werner; NAYS: Cook, Newman.

SPECIAL PERMIT 2039 - APP. OF MESAL ENTERPRISES FOR AUTHORITY TO SELL  
ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY  
GENERALLY LOCATED AT 5240 S. 48TH ST.:

SVOBODA Moved to override the Mayor's veto.  
Seconded by Friendt & carried by the following vote: AYES: Camp,  
Friendt, McRoy, Svoboda, Werner; NAYS: Cook, Newman.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND  
SANITATION BY CREATING A NEW CHAPTER 8.48 ENTITLED THE LINCOLN SMOKEFREE  
AIR ACT TO SET FORTH THE TITLE AND PURPOSE OF THE CHAPTER, TO SET FORTH  
GENERAL PROVISIONS REGARDING DEFINITIONS USED IN THE CHAPTER, TO PROVIDE  
DEFINITIONS FOR WORDS USED IN THE CHAPTER, TO PROVIDE EXCEPTIONS TO THE  
PROVISIONS OF THE CHAPTER; TO REQUIRE THE POSTING OF SIGNS, TO PROVIDE  
FOR THE ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER, TO PROVIDE  
PENALTIES FOR VIOLATIONS OF THE CHAPTER, TO PROVIDE FOR SEVERABILITY OF  
THE CHAPTER, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE 18  
MONTHS AFTER CITY COUNCIL APPROVAL:

NEWMAN Moved to override the Mayor's veto.  
Seconded by McRoy & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman; NAYS: Svoboda, Werner.

**MISCELLANEOUS BUSINESS**

**PENDING -**

SVOBODA Moved to extend the Pending List to January 5, 2004  
Seconded by Friendt & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**UPCOMING RESOLUTIONS -**

SVOBODA Moved to approve the resolutions to have Public Hearing on  
January 5, 2004  
Seconded by Friendt & carried by the following vote: AYES: Camp,

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Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**ADJOURNMENT 2:42 P.M.**

SVOBODA        Moved to adjourn the City Council meeting of December 22, 2003.  
                  Seconded by Friendt & carried by the following vote: AYES: Camp,  
                  Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
                  So ordered.

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Joan Ross, CMC, City Clerk

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Judy Roscoe, Senior Office Assistant